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Report of the Secretary-General on the United Nations Stabilization Mission in Haiti

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1576 (2004) of 29 November 2004, by which the mandate of the United Nations Stabilization Mission in Haiti (MINUSTAH), established by resolution 1542 (2004) of 30 April 2004, was extended until 1 June 2005. It covers developments since my report of 25 February 2005 (S/2005/124) and presents recommendations for the extension and restructuring of the Mission in the light of changes in the political and security situation in Haiti.

2. MINUSTAH continues to be led by my Special Representative, Juan Gabriel Valdés; his deputies, Hocine Medili and Adama Guindo, as well as the Force Commander, Lieutenant General Augusto Heleno Ribeiro Pereira (Brazil), and the Police Commissioner, David Charles Beer (Canada). The Mission's troop strength stood at 6,211 as at 9 May 2005 out of a total authorized strength of 6,700 (see annex I). The police component stood at 1,413 out of a total authorized strength of 1,622, comprising 623 police officers and six formed police units with a combined strength of 790 (see annex II).

II. Political situation

3. During the reporting period, two main processes of the political transition — national dialogue and elections — were launched by the Transitional Government of Haiti and the Provisional Electoral Council, respectively. The inclusiveness of these processes, as well as their transparency, credibility and legitimacy, remain uncertain, however. Internal divisions and limited capacity have hampered the Transitional Government's ability to decisively move the transition process forward. The performance of the Transitional Government, which completed its first year in office in March 2005, continued to be criticized by leading political and civil society groups for a perceived failure to deliver demonstrable results.

4. While representing diverse interests, the political discourse has yet to address concretely the substantive concerns facing the country or to offer a clear vision for the future of Haiti beyond the upcoming elections. As a result, the political class remains polarized. Relations between the Transitional Government and Fanmi Lavalas, as well as the relations of Fanmi Lavalas with other political actors, did not

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improve substantially. The Transitional Government, while taking some steps towards reaching out to Fanmi Lavalas, has not done so convincingly. Fanmi Lavalas thus far maintained its position that it would stay outside of the transition process; it has cited its reasons as including a fatal shooting by the Haitian National Police during a demonstration on 28 February in Port-au-Prince and the detention of high-profile party figures, such as the former Prime Minister, Yvon Neptune, and the former Interior Minister, Jocelerme Privert. Hardliners in the party continued to call for the return of former President Jean-Bertrand Aristide to Haiti. At the same time, Fanmi Lavalas remained internally fractured and there were indications that moderate elements of the party have not ruled out participation in the transition process. Some of its leaders participated in open discussions on the future of Haiti with the Prime Minister, my Special Representative and leaders of other political parties during a seminar early in March 2005.

National dialogue and reconciliation

5. On 7 April, the interim President, Boniface Alexandre, launched a "national dialogue" which, as outlined in a presidential decree, is intended to conclude a "pact for living together" following a broad and inclusive process beginning before the elections. In the short run, the dialogue would aim to create an environment conducive to the holding of elections and to ensure that the country could be properly governed following the elections. In the long run, the dialogue aims to develop a clear vision for national development and to reinforce mechanisms for good governance. The decree stipulates that a 12-member preparatory commission, composed of religious leaders, political figures, representatives of civil society and the executive, would assist the interim President in establishing institutions that would lead the national dialogue. There is, however, no indication from the Haitian authorities when those bodies will start functioning.

6. The launch of the national dialogue process has received much publicity and sparked mixed reactions. The extent to which the entire political spectrum and population supports the dialogue is unclear. Differences remained on what the dialogue should focus on now and in the future, and agreement has yet to be reached to begin a longer-term dialogue before the upcoming elections. Some civil society organizations and political parties, including some factions of Fanmi Lavalas, expressed reservations about provisions in the decree establishing the national dialogue, which bar changing the Transitional Government, the Consensus on the Political Transition of 4 April 2004 (see S/2004/300, paras. 12-14), the electoral calendar and the Constitution. MINUSTAH continued to meet with key political actors representing political parties, including different factions of Fanmi Lavalas, to ensure that the dialogue serves the long-term aim of national reconciliation, as well as the holding of credible and inclusive elections.

Preparations for elections

7. Following the publication of the electoral law on 11 February 2005, preparations are under way to hold local elections on 9 October 2005 and the first round of parliamentary and presidential elections on 13 November; a second round, if necessary, would be held on 18 December. There appears to be a general commitment to adhere to the electoral timetable, with few dissenting voices; however, concerns have been expressed about the conduct and outcome of the elections in the light of the country's past experiences. A number of legal, logistical

and practical challenges have yet to be addressed. The commitment of the Transitional Government to do so in its areas of responsibility remains unclear, and the ability of the Provisional Electoral Council to tackle these challenges remains limited. A political pact, including an electoral code of conduct, was prepared by a local institute, at the request of the main political parties, but its status and the support of all political actors are uncertain.

8. Voter registration began on 25 April after a delay of about four weeks caused by administrative and logistical issues as well as security concerns; it is being undertaken by the Provisional Electoral Council with the assistance of the Organization of American States (OAS). The first registration office opened in Gonaïves; other centres are opening in a staggered manner as premises become available and security can be provided. As at 9 May, 15 registration offices, out of 409 planned offices, have opened, and more than 16,000 citizens have registered, out of approximately 4 million citizens eligible to vote. The registration process must be completed by 9 August 2005, as provided for in the timeframe set by the electoral law.

9. MINUSTAH has expressed concern about the constitutionality of certain provisions of the electoral law, such as the introduction of the right of appeal to the Supreme Court; the introduction of the simple majority rule for declaring the winner at the second round of the presidential and legislative elections; and special requirements placed on independent candidates which do not apply to candidates from political parties. Prior to the adoption of the electoral law and immediately after its publication, MINUSTAH communicated its concerns to both the Electoral Council and the Transitional Government, but none of those provisions has been challenged through legal means by local political actors. In addition, the Transitional Government has yet to adopt necessary decrees, such as decrees on the funding of political parties and on the official status of the new national identification card, which will be issued at the time of registration.

10. Security for the electoral process remains a key concern, as demonstrated by attacks on the headquarters of the Electoral Council on 24 and 29 March 2005. On 1 April, the Prime Minister created an Electoral Security Commission, comprising representatives of the Transitional Government, the Electoral Council, the national police and MINUSTAH, which is charged with preparing a comprehensive security plan for the elections and supervising its execution. Following a needs assessment in February 2005 (see S/2005/124, para. 32), the Electoral Council, in consultation with MINUSTAH and the national police, agreed to establish a corps of 3,600 local electoral security assistants who, armed with non-lethal weapons, will provide security at the registration and polling centres alongside MINUSTAH and the police. MINUSTAH, in cooperation with the police and the United Nations Office for Project Services, began the recruitment and training of those assistants on 28 April.

11. Following an assessment that the initial budget for the elections was insufficient (see S/2005/124, para. 30), the Electoral Council, with technical assistance from MINUSTAH, OAS and relevant donors, developed a revised budget of $60.7 million. It includes additional requirements for security (for example, the recruitment and training of electoral security assistants), infrastructure, transportation, communications and contingency expenses. The total shortfall for the revised budget is approximately $22 million.

III. Security situation

12. The security situation in Port-au-Prince remained volatile, and there was an increased number of violent acts by various illegal armed groups beginning in February. Of particular concern were emerging alliances between members of those groups — some associated with the former military and others with urban gangs; also of concern were alleged connections between elements of the national police and illegal armed groups. The number of kidnappings reported in Port-au-Prince also increased. Outside the capital, the situation remained fragile, but was generally calm, with only a few incidents reported in Cap-Haïtien, Gonaïves, Hinche and Petit-Goâve. The continued presence of members of the former military, illegally exercising security functions in some areas of the country, remained a matter of concern.

13. Public security suffered a significant setback on 19 February 2005 when a group of unidentified armed men entered the National Penitentiary in Port-au-Prince and enabled 493 detainees to escape. Immediately after the escape, the Transitional Government dismissed two senior penitentiary officials and detained eight prison guards for alleged complicity in the breakout. Security was reinforced at detention centres throughout the country by the national police in cooperation with MINUSTAH. As at 18 April, 76 escapees had either been recaptured or returned voluntarily.

14. Having almost reached its authorized troop and police strength, MINUSTAH continued to maintain a robust approach to ensure a secure and stable environment and the gradual stabilization of the overall security situation throughout the country. A number of successful operations have been undertaken during the reporting period. MINUSTAH retook some police stations occupied by the former military and other illegal armed groups. On 20 March 2005, MINUSTAH recovered the police station in Petit-Goâve, which had been illegally occupied since August 2004. During the operation, one MINUSTAH soldier was killed and three others were wounded. The illegal armed group that had occupied the station also suffered casualties and 27 individuals were disarmed and handed over to the national police. On the same day, a MINUSTAH soldier was killed and another injured during an attack by unidentified armed persons while manning a checkpoint near Terre-Rouge. On 21 March, MINUSTAH recovered the police station in Terre-Rouge, believed to have been used as a base by those who attacked the MINUSTAH checkpoint; no casualties were reported. Both police stations are now under the control of MINUSTAH and the national police.

15. MINUSTAH, in support of the national police, also undertook operations in the shantytowns of Port-au-Prince. As a result, gang activity decreased in Bel-Air, and the security situation in the commercial districts of the capital improved. However, the situation in Cité Soleil remains challenging. MINUSTAH strengthened its presence in that area by establishing permanent checkpoints, increasing patrolling and delivering humanitarian assistance, but, criminal acts continued. On 31 March 2005, the national police and MINUSTAH launched an operation in Cité Soleil to restrict the movements of gang members and the circulation of their weapons and ammunition. On 14 April, a MINUSTAH soldier who was part of that operation was shot and killed. The following day, an operation undertaken by MINUSTAH and the national police to arrest the main gang leaders in Cité Soleil met with strong resistance from gang members.

16. The national police, with the support of MINUSTAH, intensified efforts to apprehend individuals wanted for alleged involvement in criminal activities. During such operations on 9 and 10 April, the self-styled former military leader, Ravix Rémissainthe, a gang leader, René Jean Anthony (known as "Grenn Sonnen"), and eight other gang members were killed. Mr. Rémissainthe and Mr. Anthony had been on the "wanted list" of the national police as the primary suspects in the murder of four police officers on 6 February 2005.

17. MINUSTAH was directly targeted on several occasions during the reporting period. Three MINUSTAH soldiers — from Nepal, the Philippines and Sri Lanka — were killed during security operations. In addition, MINUSTAH vehicles carrying civilian staff and contractors were shot at on 25 March and 8 April; one person was lightly injured in the second incident. On 31 March, a soldier was shot at while guarding the future MINUSTAH headquarters; he was not injured. There have been subsequent shootings at the building. National police officers have been targeted on numerous occasions and, according to the Director General of the Haitian National Police, 45 police officers have been killed in the past year.

18. MINUSTAH has devoted significant attention to monitoring public demonstrations, most of them organized by Fanmi Lavalas supporters, as well as urging demonstrators to abide by the law. While most demonstrations were peaceful, with only minor incidents, on 28 February 2005 in Bel-Air, despite the peaceful nature of the demonstration, the national police killed one demonstrator. In addition, on 27 April at least five people were killed by the national police in circumstances that are unclear. Despite repeated requests by MINUSTAH for a full investigation, the national police has not yet undertaken an investigation of the first incident, and continued to give conflicting versions of the second one.

Disarmament, demobilization and reintegration

19. On 4 February 2005, the Transitional Government established the National Commission for Disarmament by naming its seven members, but it has not defined the mandate of the Commission or the functions and nature of the structures for disarmament, demobilization and reintegration. The Transitional Government has adopted the national programme for disarmament, demobilization and reintegration, which was developed jointly by the Transitional Government, MINUSTAH, UNDP, and other national and international stakeholders through the Interim Cooperation Framework Sectoral Round Table on disarmament. The programme's legal status is still unclear, however, and it is not operational. In short, the full commitment of the Transitional Government to the implementation of a comprehensive and even-handed disarmament, demobilization and reintegration programme remains ambiguous. In addition, there continues to be a funding gap for the programme in the amount of $15 million.

20. In an encouraging development, on 13 March 2005, 227 former soldiers in Cap-Haïtien surrendered a symbolic number of weapons and agreed to be reintegrated into society. The former soldiers, as well as those involved in the illegal occupation of the residence of former President Aristide (see S/2005/124, para. 9), are currently in Port-au-Prince under the responsibility of the Transitional Government until the disarmament, demobilization and reintegration programme becomes operational. A number of former military leaders and political leaders have publicly called upon the former soldiers to lay down their weapons. Generally,

however, the weapons being seized or surrendered are few in number and often antiquated. MINUSTAH continued its sensitization campaign with other illegal armed groups on a community-by-community basis. Members of some urban gangs in Les Cayes and Port-au-Prince have expressed interest in handing over weapons in exchange for community development initiatives.

21. The commitment made by the Transitional Government to pay indemnities and pensions to those who were on the payroll of the former armed forces in 1994 (see S/2005/124, para. 12) was not immediately linked to disarmament and the national disarmament, demobilization and reintegration programme, thus hampering efforts to carry out immediate disarmament in a number of cases. There have also been worrying cases where the Transitional Government has made promises that led to voluntary disarmament, promises it has not yet fulfilled, thus increasing the risk that individuals will rejoin illegal armed groups. In addition, many former military personnel remain reluctant to disarm without receiving their full benefits or being absorbed into the Haitian National Police or other public sector positions, which the Transitional Government will have difficulties in accommodating given the limited number of public sector positions available to former military personnel.

Support for the rule of law and public security

22. On 15 March 2005, the Conseil supérieur de la police nationale adopted the national police strategic development plan for 2004-2008. The plan, prepared within the framework of the Interim Cooperation Framework Sectoral Round Table on police, identified key objectives for the development of the police such as the creation of new senior posts, adoption of a new organization chart, training for senior officers, a comprehensive appraisal of the police force, and the strengthening of the National Penitentiary Authority. However, the national police remained unable to exercise public security functions throughout the country, and has yet to effectively address allegations of corruption and humans rights violations against some of its officers, negatively affecting its image in the eyes of the population.

23. The MINUSTAH police component continued to provide operational support to the national police. At the same time, MINUSTAH has been able to increasingly redirect its attention to training and capacity-building of the police, and has begun to implement a co-location programme, which will facilitate the provision of advice, support and training activities at all levels of the police. As at 9 May, 415 civilian police officers were taking part in the co-location programme at central-level offices and police stations, which has improved the working relationships, information exchanges and capacity to provide tactical support to the police. The Mission is negotiating a memorandum of understanding with the national police to institutionalize and strengthen the co-location programme. The investigative capacity of key units such as the judicial police, to which 14 MINUSTAH police advisers have been assigned, has also been reinforced. Because of the lack of a formal intelligence structure within the police, however, the current capacity for proper intelligence gathering and analysis is not yet adequate. The limited number of MINUSTAH police personnel, particularly French-speaking officers, has hampered the pace of the Mission's training and capacity-building programmes.

24. MINUSTAH police advisers at the Police Academy continued to supervise and assist in the training of the sixteenth national police class, which comprised 368 new recruits, including 15 women. In addition, MINUSTAH assisted in the training of 37

police commissioners and 49 police inspectors, including 4 women. Field service training began on 17 March for officers in the Northern District (281 officers) and the North-Eastern District (82 officers). MINUSTAH police also continued to participate in the implementation of the joint vetting programme for the Haitian police, initially launched by OAS and the United States Government in June 2004. From 24 February to 19 April, MINUSTAH police and OAS officers interviewed 923 candidates for the seventeenth class, scheduled to begin late in May 2005; 794 of the candidates were cleared for training. At the request of the Transitional Government, 227 former military from Cap-Haïtien will go through the vetting programme and those eligible may be selected to participate in the seventeenth class.

25. MINUSTAH started implementing a pilot project in one police station aimed at improving facilities in police stations to receive women victims of violence who want to file a complaint. Children's rights issues have been included within the training modules for senior police officers.

IV. Restoration of State authority and strengthening of public administration

26. As at 18 April 2005, the Transitional Government had appointed all 140 municipal commissions. It was also taking steps to reorganize central structures, liaise with the appointed mayors and progressively take over administrative responsibilities in the countryside. Local State institutions often remain absent or inefficient, however, in part because of the lack of material resources (especially in rural areas) and the lack of communication with the Transitional Government. Moreover, the population's distrust of State institutions is preventing the State from collecting taxes, affecting its credibility and efficiency. While local administrations receive a budget allocation to pay for salaries, there is usually no provision for goods and services, or investment.

27. In cooperation with UNDP and bilateral partners, MINUSTAH has undertaken a programme to support the local public administration, to strengthen the legal framework and to enhance the participation of citizens in local decision-making and planning. A handbook on municipal administration was finalized with the Ministry of the Interior; in addition, MINUSTAH has published a record of applicable legislation for local administration and governance.

28. Some former Administrative Commissions of the Sub-Municipal Section are still operational throughout the country. In the most remote areas of the country, where the national police was absent and where MINUSTAH does not have a permanent presence, some of the Commissions were reportedly replaced by informal or even illegal groups that took on administrative and policing tasks, while others continued to collaborate with the Chefs de Section, a former rural police affiliated to the former military. The Mission has documented most cases during field visits or from reports of community leaders and organizations, so as to follow up once the national police has been deployed and new local authorities are in place after the elections later in the year.

V. Human rights

29. The human rights situation remained alarming. Cases of summary execution, prolonged pre-trial detention, arbitrary arrest, disregard for due process, ill-treatment, and rape continued to be reported. Impunity continued to exist. Cases documented by women's organizations indicate that approximately 72 per cent of the rape victims are minors. In addition, the Transitional Government has yet to conduct proper investigations into cases where national police officers have allegedly been involved.

30. The justice system continued to be marked by significant shortcomings which hinder the proper administration of justice, protection of human rights and recourse to legal redress. The prolonged pre-trial detention of Yvon Neptune and Jocelerme Privert is an emblematic example. After their voluntary return to the National Penitentiary on 19 February 2005, both detainees began a hunger strike to protest against their detention and lack of proper security guarantees resulting in their hospitalization. Messrs. Privert and Neptune were taken to Saint-Marc — on 18 and 22 April respectively — to appear for the first time before the examining magistrate responsible for investigating the so-called "La Scierie" massacre in February 2004. Only Mr. Privert was questioned by the judge. The day of Mr. Neptune's appearance, the judge, who reportedly was not aware of the transfer, was not present in the court building. As at 1 May, Messrs. Privert and Neptune remained in detention in the annex of the National Penitentiary. On 17 April, Mr. Neptune resumed his hunger strike and declined to be transferred to a medical facility in the Dominican Republic unless all charges against him were withdrawn. The situation continues, and Mr. Neptune's health is seriously deteriorating. At the time of writing of this report, Mr. Neptune had yet to be seen by a judge. Also of particular concern is the decision of the Supreme Court on 3 May annulling the conviction of 14 persons who had been charged with the killing in 1992 of supporters of former President Aristide, and ordering their release from detention.

31. MINUSTAH human rights officers have been deployed to 8 of the 10 administrative districts of Haiti. They visited police stations and detention centres, giving special attention to the situation of women detainees. They also followed up a number of individual cases, and interviewed victims and their relatives. MINUSTAH established a Joint Special Investigation Unit, composed of human rights and civilian police officers, which has identified a series of priority cases of alleged human rights violations. Although the unit is not yet operational, it is expected that investigations on those cases will begin shortly.

32. The independent expert on the situation of human rights in Haiti, Louis Joinet, visited Haiti from 31 March to 7 April 2005. He presented his latest report to the Commission on Human Rights on 15 April 2005.

Child protection

33. Violence against children, including sexual violence, continued to be a source of grave concern, particularly in the impoverished districts of Port-au-Prince. Reportedly, since the beginning of 2005, at least 50 children have died in Cité Soleil as a result of gang violence and, according to testimony obtained by MINUSTAH, many others have been victims of rape by gang members. UNICEF and MINUSTAH are investigating human rights violations against children allegedly perpetrated by

national police officers, such as the killing of two minors on 9 April in Cité de Dieu, and the fatal shooting of a 4-year-old girl on 10 February in Pétionville.

34. The relevant institutions of Haiti, non-governmental organizations, UNICEF and MINUSTAH have been working on a strategy to separate children from armed groups. An understanding has been reached between organizations dealing with children's rights, MINUSTAH and the Ministries of Justice and Social Affairs that the disarmament, demobilization and reintegration of children participating in gang activity should be handled outside the criminal justice system. MINUSTAH organized focus groups, involving residents affected by violence and community leaders, to develop modalities for reintegrating juvenile members of the armed groups into their communities.

VI. Humanitarian situation and development

35. Emergency food distribution in Gonaïves, which was initiated in the wake of the floods caused by tropical storm Jeanne on 17 and 18 September 2004, ended on 14 March 2005. The World Food Programme alone distributed a total of 6,386 tons of food in Gonaïves and other affected areas to more than 160,000 people. More specific food-assistance projects targeting vulnerable groups continued to be implemented (see S/2005/124, para. 41), as well as cash-for-work and school canteen programmes, and reconstruction of schools, health centres and other social infrastructure. Approximately 400 persons remain in temporary shelters around the cities of Gonaïves and Mapou, a community in the south-east of the country which was flooded in May 2004. While the emergency situation has ceased, health and sanitary conditions continued to be precarious. The United Nations flash appeal, launched in October 2004 in response to the disaster, was closed on 31 March 2005; only 37 per cent of the total resources requested were received. The Transitional Government has now embarked on medium- to long-term reconstruction efforts (see S/2005/124, para. 42), and has adopted a strategic framework for the reconstruction of the city for a total cost of $107 million.

36. A severe drought was reported in the south-west of the country. Hygiene-related diseases are increasing. Emergency and recovery assistance has been programmed, in coordination with United Nations agencies and non-governmental organizations, namely, the provision of food supply, seeds and agricultural inputs, for approximately 11,000 families affected.

37. With the hurricane season approaching in June, MINUSTAH and the United Nations country team have reinforced the integrated contingency plan for natural disasters and coordinated with national disaster plans to ensure a well-synchronized response to the provision of life-saving support and assistance when required.

38. The tense security environment in Port-au-Prince, in particular in the shantytowns, continued to hamper the work of humanitarian organizations and required coordination of activities between MINUSTAH and the aid community. Violence in the capital has resulted in the outflow of an estimated 200 to 300 people into the mountains surrounding the city. In the absence of a local presence of the Office of the United Nations High Commissioner for Refugees, MINUSTAH is monitoring the rights of those internally displaced persons.

Interim Cooperation Framework

39. The implementation of the Interim Cooperation Framework, bringing together the medium-term priorities of the Transitional Government and those of the international community, is progressing slowly. Pledges in July 2004 totalled $1.37 billion. The Transitional Government reported, however, that as of March 2005 disbursements amounted to only $266 million. Seventy-two per cent of the disbursements were made in support of access to basic services, economic governance and institutional development; 22 per cent were allocated to political governance, national dialogue and economic recovery; and 6 per cent were allocated for budgetary aid, arrears and unallocated funds. At a ministerial meeting on assistance to Haiti, convened by the Government of France in Cayenne on 18 March 2005, the donor community reiterated its support to the Transitional Government and pledged assistance in promoting confidence-building among the Haitian population by accelerating project approval and implementation. Participants agreed to finance 380 high-impact/high-visibility projects within the Interim Cooperation Framework, at an estimated cost of €750 million.

Quick-impact projects

40. As at 9 May 2005, 57 quick-impact projects were being implemented in various areas including agriculture, education, health, HIV/AIDS, rehabilitation of infrastructure, water and sanitation. Five of the quick-impact projects have been implemented by MINUSTAH troops, mainly in the area of rehabilitation of infrastructure.

Gender

41. In February 2005, national and international partners in the inter-agency national plan on violence against women held a workshop to define a national strategy on developing measures to tackle cases of violence against women, with a strong emphasis on sexual violence. A poster campaign on the prohibition of sexual exploitation and abuse was launched in all of the Mission's offices. All new staff members received compulsory training on the United Nations standards and policy regarding sexual exploitation and sexual abuse.

Prevention of HIV/AIDS

42. MINUSTAH continued to provide awareness training to its personnel and the national police. Jointly with UNAIDS, MINUSTAH developed an HIV/AIDS peer leader training programme to engage its personnel in prevention, education and communication activities, and to establish partnerships with national and international organizations involved in HIV/AIDS response, particularly vulnerable groups and people living with HIV/AIDS. MINUSTAH also continued to participate in the Interim Cooperation Framework Sectoral Round Table on HIV/AIDS.

VII. Mission support

43. Renovation continued at the integrated mission headquarters, where several offices have already been relocated; the building should be fully occupied by the end of July. As at 15 April, 8 of the 10 planned integrated regional offices were in operation throughout the country.

VIII. Mandate and structure of the United Nations Stabilization Mission in Haiti

44. Despite the progress achieved by MINUSTAH in fulfilling its mandate, security challenges are expected to increase in the months leading to elections. Moreover, recent incidents of violence in Port-au-Prince have already put increased demands on MINUSTAH military and police. Various stakeholders in Haiti have requested that the Mission expand its role throughout all stages of the electoral process, recalling that electoral periods in Haiti — before and after the actual polling — have been historically volatile. In this situation and after careful review, my Special Representative and the leadership of MINUSTAH concluded that the Mission's capacity would need to be enhanced in accordance with the proposals outlined below.

45. MINUSTAH is working to strengthen procedures to improve the implementation of its mandate. Following various evaluation missions, several practical steps are being taken, such as developing a set of standard operating procedures guiding the operational activities of the military component and the police component's formed units; enhancing the existing Joint Operations Centre; and developing a mission-wide Joint Mission Analysis Cell responsible for the management of information, so as to better inform the decision-making and planning activities of the Mission.

Military component

46. MINUSTAH troops are currently deployed in nine areas of responsibility. The Force Commander's reserve capacity has been limited as all the deployed contingents are committed to meeting operational requirements throughout Haiti. In the light of the challenges faced during recent operations, it is proposed that an additional infantry battalion of 750 troops be deployed to enhance the Mission's capacity to support the political process and create an environment conducive to the holding of free and fair elections, by enabling it to respond quickly and appropriately to various contingencies, especially in likely "hot spots". The additional battalion would be deployed to enhance the capacity of MINUSTAH to address gang violence in the critical shantytown of Port-au-Prince, Cité Soleil. In addition, this battalion will strengthen the Mission's "surge" capacity by acting as a quick reaction force. Finally, this battalion will be needed to handle the potentially volatile security environment in the eastern part of the Central District, which includes sensitive areas such as Croix-des-Bouquets and the south-eastern stretch of the Haitian border. To be able to undertake these operations successfully, the battalion would need to have the appropriate configuration and include mechanized units that can react rapidly to any serious threats. In addition, MINUSTAH will reconfigure the already available troops to enhance capacity in the outlying areas.

47. To enhance the command-and-control arrangements of the MINUSTAH military component, the Mission intends to create a new sector headquarters covering the region of Port-au-Prince so as to separate the strategic from the tactical command. This would require approximately 50 staff officers. The total requirement proposed for MINUSTAH troops is thus an additional 800 personnel, which would raise the new military ceiling from 6,700 to 7,500 troops.

Police component

48. Currently, formed police units are deployed in Port-au-Prince (4 units), Les Cayes (1 unit) and Gonaïves (1 unit) to support the national police in static security duties, general operational back-up and crowd control. To increase the Mission's ability to deal with potential civil disorder in connection with the electoral campaign and the aftermath of the elections, MINUSTAH needs to reorient existing resources and to enhance its coverage of the country with formed police units. It is envisaged that one of the units currently in Port-au-Prince would move to Cap-Haïtien prior to the elections. As previously reported (S/2004/908, para. 53), an additional formed police unit of 125 officers within the current authorized strength would be deployed. Of these, 40 personnel have already been added to one of the Jordanian units in Port-au-Prince, and 85 officers from Senegal, constituting the seventh unit, will be deployed to Hinche shortly. Since Hinche is likely to continue to be a particularly sensitive area, this seventh unit should be deployed there on a permanent basis. In addition to the already authorized force, one additional formed police units should be deployed in Port-au-Prince as surge capacity until after the new government is installed in February 2006. That unit would also serve as a tactical reserve, available for deployment in whole or in part to provide assistance elsewhere in the country as required.

49. In order to enhance the Mission's activities to professionalize the Haitian National Police, the police component plans to strengthen its involvement in the vetting programme, which will encompass not only new recruits but also current officers; in investigations related to human rights abuses or other serious security incidents; and in election-related activities. MINUSTAH experience in assisting the national police has shown the pressing need to strengthen the role of civilian police officers in providing practical guidance to the Haitian police at all levels. In order to address these needs, MINUSTAH will require that the numbers making up the seventh formed police unit and the strengthened Jordanian unit be replenished by new civilian police personnel (125 officers) whose deployment had been postponed to allow for the establishment of the formed police units as well as 25 additional officers. The total requirement proposed for the MINUSTAH police component is 275 additional personnel, which would raise the new police component ceiling from 1,622 to 1,897 police officers (including 1,000 officers in formed police units).

Support for the judiciary

50. The overwhelming majority of citizens detained in Haitian prisons have not been accorded due process. Further to the proposals contained in my report of April 2004 (S/2004/300, paras. 35-38), the Mission is working closely with the Transitional Government to expedite the judicial procedures for all cases of prolonged pre-trial detention, and exploring possible solutions such as the establishment of an ad hoc commission to review the cases of detainees. More generally, the Transitional Government requires assistance to overcome the

deficiencies in the justice and penal sectors. MINUSTAH is exploring with the respective Haitian institutions the possibility of playing a more direct and proactive role in this area, including through the appointment of international experts, acting as monitors and/or observers, exercising direct technical follow-up of certain proceedings, and providing legal advice to the judiciary.

International independent electoral observation

51. Under its current mandate, the election-related activities of MINUSTAH in support of the Transitional Government and the Electoral Council focus on the provision of security, as well as technical, logistical and administrative assistance. These activities are carried out in close cooperation with OAS. It is essential to ensure the transparency and credibility of the ballot to encourage broad participation. To this end, international electoral observation will be desirable to help ensure that the electoral authorities prevent and correct irregularities. It is expected that a number of international organizations and individual Member States would be willing to deploy electoral observers and would soon initiate discussions in this regard with Haitian authorities.

52. There will be a need to establish a well-defined framework for collaboration among the various international observer groups to facilitate the activities of observers on the ground, to ensure appropriate geographical coverage and to provide guidelines on the application of common standards. Such a framework could support the Electoral Council and the Transitional Government in achieving greater transparency and credibility by facilitating and supporting the work of international observers. Assistance to the observers could include, inter alia, provision of briefing and training materials, the provision of a venue for meetings, and the preparation of a plan to ensure broad geographical coverage and facilitate their deployment throughout the country, for example, through logistical arrangements. The framework would help the participating international institutions to work in close cooperation with Haitian institutions and organizations engaged in national electoral observation. It should be noted that the modalities for the establishment of the framework will depend on further developments concerning the participation of international electoral organizations and Member States in international observation. Once an agreement has been reached, funding for these activities would have to be sought and secured.

IX. Financial aspects

53. By its resolution 59/17 of 29 October 2004, the General Assembly appropriated the amount of $379,046,800 for the period from 1 July 2004 to 30 June 2005. The assessment of the amount of $24,960,098 for the period from 2 to 30 June 2005 is subject to the decision of the Security Council to extend the mandate of the Mission.

54. Should the Security Council decide to extend the mandate of MINUSTAH beyond 1 June 2005, the cost of maintaining the Mission until 30 June 2005 would be limited to the amount approved by the General Assembly.

55. The report containing the budget for the period from 1 July 2005 to 30 June 2006, which amounts to $478,055,100, will be reviewed by the General Assembly during the second part of its resumed fifty-ninth session.

56. As at 31 March 2005, unpaid assessed contributions to the Special Account for MINUSTAH amounted to $83.3 million. The total outstanding assessed contributions for all peacekeeping operations at that date amounted to $1,293 million.

X. Observations

57. Over the past few months, MINUSTAH has made progress towards creating an environment in which the political transition can unfold. This progress remains fragile, however, and key challenges lie ahead as the political transition enters a crucial phase. Further outreach by the Transitional Government is essential to obtain the confidence and support of the population. Likewise, strong and coordinated support by the international community is essential. The Transitional Government and the Haitian people, with the support of the international community, must now redouble their efforts to advance this process. The visit of the Security Council mission to Haiti from 13 to 16 April, in conjunction with the Ad Hoc Advisory Group on Haiti of the Economic and Social Council, represented an important demonstration of commitment to addressing the needs of Haiti.

58. There have been signs of improvement in the security situation following successful operations by MINUSTAH and the Haitian National Police, with a view to curbing the activities of illegal armed groups and reducing their activities. These efforts must be maintained, to eliminate potential threats to the approaching electoral process.

59. However, unless real progress can be achieved in the disarmament, demobilization and reintegration programme, the security situation will remain uncertain. It is encouraging that some former military personnel are now willing to voluntarily enter the disarmament, demobilization and reintegration process; it is crucial that all illegal armed groups lay down their weapons. I urge the Transitional Government to ensure the prompt implementation of a comprehensive disarmament, demobilization and reintegration programme so that these first steps can be encouraged and capitalized upon. In addition, I urge the international community to help secure the necessary funds to successfully implement the programme.

60. The launching of the electoral process and the national dialogue is a welcome development. I encourage all Haitian citizens to participate fully in both processes as an important step towards consolidating democracy in Haiti. The Transitional Government needs to do more to secure broad participation in these processes, and to ensure that legislation conducive to such participation is in place. I call upon the Transitional Government to address the concerns raised regarding the electoral law so as to maintain the independence of the Electoral Council and to create an even playing field for all the candidates. Political leaders in Haiti have a special responsibility to ensure the success of both the national dialogue and elections. The Transitional Government and the leaders of political parties and civil society must also ensure that these processes are sustainable and result in a realistic and achievable vision for the future of Haiti, the first step being the installation of an elected government. I also urge the international community to redouble its efforts to support the electoral process in Haiti. In particular, I call upon the donor community to ensure that the necessary financial means are available. I welcome the offer of CARICOM to provide technical assistance to the electoral process.

61. I remain deeply concerned about the human rights situation and the impunity enjoyed by those who commit violations of human rights. There is an urgent demand for justice in Haiti. I appeal to the Transitional Government to set the example by promptly initiating an investigation into those human rights violations allegedly committed by national police officers. The State institutions responsible for guaranteeing respect for the rule of law — including the police, the justice and prison systems — remain particularly weak. I therefore encourage the Transitional Government to explore practical means by which the international community might provide immediate assistance to expedite some of the most sensitive cases. Furthering the reform of the justice and penal systems should be pursued in parallel to the efforts to professionalize the police. Demonstrable progress in these key areas will be crucial to building the confidence of the Haitian population in its national institutions. The commitment of the Transitional Government and the police to take the reform forward, as well as to work effectively with MINUSTAH in police operations and reform, also needs to be strengthened. I urge the Transitional Government to ensure that the technical advice and recommendations provided by the Mission's civilian police officers are implemented by national police officers at all levels.

62. The slow progress in disbursing funds pledged under the Interim Cooperation Framework remains a major source of concern. While some efforts have been made to move forward on this, I hope that they will translate into visible improvements in the short term, thus conveying a message to the Haitian people that democracy can have tangible benefits in their daily lives.

63. The United Nations remains committed to supporting the Transitional Government in its efforts to ensure the success of the political transition. To enable MINUSTAH to implement its mandate more effectively, I recommend that the Security Council approve the proposals set out in section VIII above regarding adjustments to the mandate of MINUSTAH, including its authorized strength, which would require additional international and local civilian staff. I also recommend that the Mission be extended for a further period of 12 months, until after the electoral process and the establishment of the newly elected Government of Haiti.

64. I am grateful for the continuing engagement of the countries contributing troops and police personnel to MINUSTAH, as well as to the Core Group for facilitating the implementation of the mandate of MINUSTAH. I welcome the efforts of the Secretary-General of the International Organization of la Francophonie to encourage States members of that Organization to respond to the Mission's need for additional French-speaking police officers.

65. I would like to pay special tribute to the troops and police personnel of MINUSTAH, who continue to carry out their crucial tasks in difficult circumstances. Homage is due to the peacekeepers who died while participating in security operations to help stabilize Haiti. I wish to pay special tribute to the Governments of Jordan, Nepal, the Philippines, Sri Lanka and Uruguay, whose nationals died while discharging their tasks.

66. I also thank the United Nations agencies, funds and programmes and all other organizations, agencies, contributors and donors for their continuing commitment. Finally, I should like to reiterate my deep appreciation to my Special Representative, Juan Gabriel Valdés, for his untiring efforts, and to all MINUSTAH staff for their dedication and work in advancing the transitional process in Haiti.

Annex I

United Nations Stabilization Mission in Haiti: countries providing military staff and contingents (as at 9 May 2005)

Country	*Staff officers*	*Troops*	*Total*
Argentina	7	548	555
Benin	1	—	1
Bolivia	6	—	6
Brazil*	12	1 200	1 212
Canada	2	—	2
Chile	6	533	539
Croatia	1	—	1
Ecuador	1	66	67
France	3	—	3
Guatemala	1	70	71
Jordan	3	748	751
Morocco	1	164	165
Nepal	8	748	756
Paraguay	6	—	6
Peru	2	205	207
Philippines	2	134	136
Spain	—	200	200
Sri Lanka	2	750	752
United States of America	4	—	4
Uruguay	4	772	776
Total	**72**	**6 138**	**6 211**

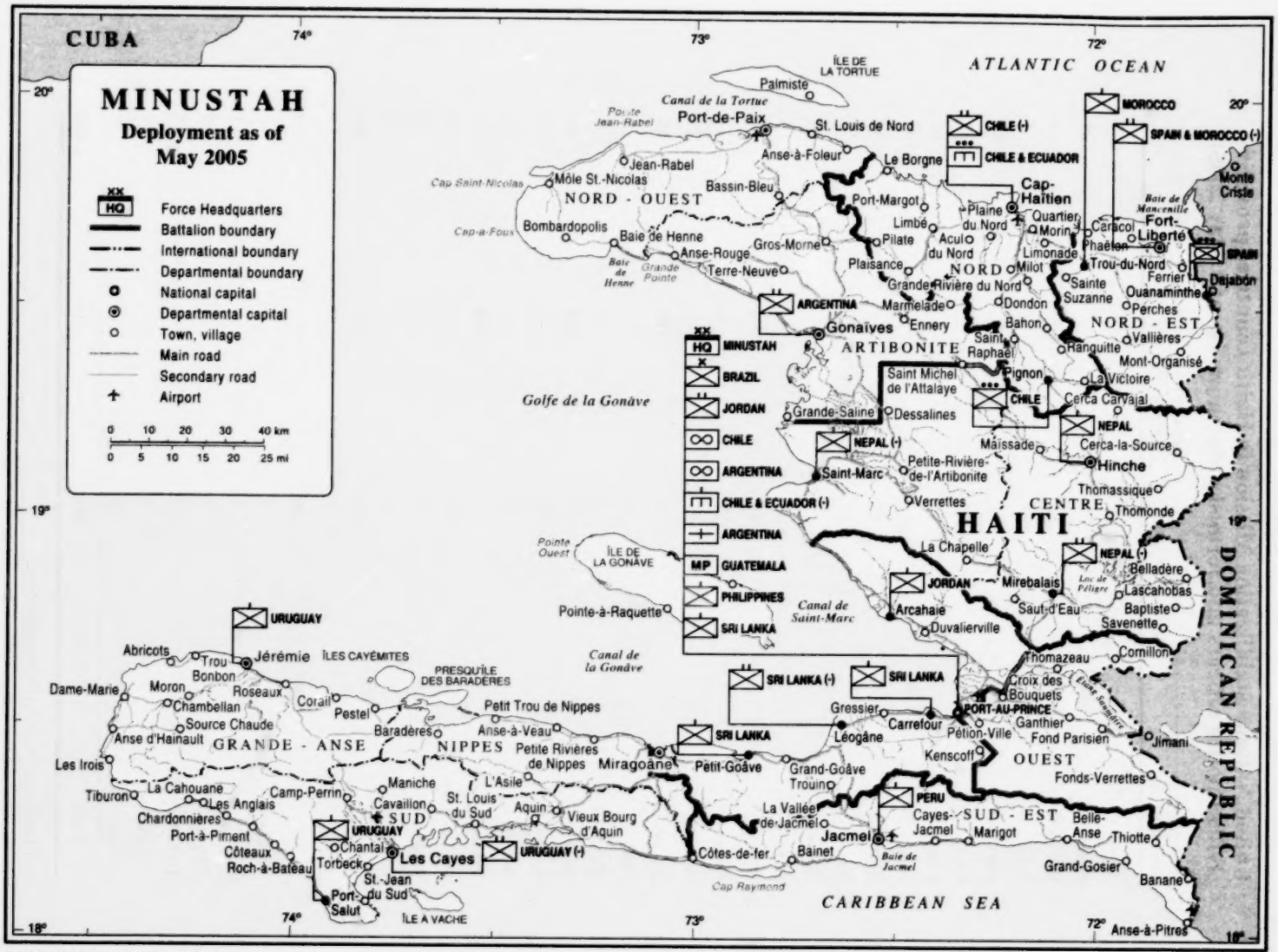
* Including the Force Commander.

Annex II

United Nations Stabilization Mission in Haiti: countries providing civilian police officers and formed police units (as at 9 May 2005)

Country	*Civilian police officers*	*Formed police units*	*Total*
Argentina	5	—	5
Benin	29	—	29
Bosnia and Herzegovina	12	—	12
Brazil	3	—	3
Burkina Faso	42	—	42
Cameroon	43	—	43
Canada*	99	—	99
Chad	19	—	19
Chile	38	—	38
China	8	125	133
Egypt	14	—	14
El Salvador	4	—	4
France	53	—	53
Ghana	27	—	27
Guinea	23	—	23
Jordan	4	290	294
Mali	8	—	8
Mauritius	2	—	2
Nepal	8	125	133
Niger	10	—	10
Nigeria	10	—	10
Pakistan	—	250	250
Philippines	10	—	10
Portugal	3	—	3
Romania	4	—	4
Senegal	50	—	50
Sierra Leone	7	—	7
Spain	29	—	29
Sri Lanka	3	—	3
Togo	4	—	4
Turkey	8	—	8
United States of America	25	—	25
Uruguay	9	—	9
Zambia	10	—	10
Total	**623**	**790**	**1 413**

* Including the Police Commissioner.



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